



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1731 OF 2023

MADHUKAR DADASAHEB WAGHMODE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Umesh R. Mankapure a/w Ms. Bhavika Shinde, for the Applicant.

Mr. S. H. Yadav, APP for the State.

PSI- Mr.Vishwambhar Pote, Jath police station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 28, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 363, 364, 307, 324, 452, 143, 147, 148, 149, 120B, of the Indian Penal Code, 1860, under sections 5, 27 of the Arms Act, sections 3 (1)(II), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (hereafter 'MCOCA', for short) registered on 22/10/2016 vide C.R. No.159 of 2016 with Jat police station, Dist- Sangli.

3. In all there are 6 accused. The applicant is the accused no.1. The applicant was arrested on 13/12/2016.

4. The date of the incident is 19/02/2016. At around 7.30, the complainant along with her husband and brother were sitting outside the house. The accused and the co-accused came on motorcycle and started threatening the husband of the complainant and assaulted him with sword on his left hand and wooden stick. When the complainant and her brother tried to intervene, the co-accused Maruti Desai assaulted her with a wooden stick and snatched her Mangalsutra. There is another incident on 21/10/2016 when the complainant's mother-in-law was assaulted by the accused.

5. Learned APP opposed the application by submitting that the applicant is a history-sheeter. It is further submitted that the applicant is a gang leader and involved in as many as 21 cases registered against him right from 2007 till the year 2016. Almost all the offences are bodily offences. The applicant is acquitted in 5 cases. The applicant is convicted for the offences under sections 307, 353, 333 of the IPC and under section 3, 4, 25 of the Arms Act in a Sessions Case No. 71 of 2010. Even while on bail and thereafter also the applicant committed several

offences including the present offence. So far as the present offence is concerned, the applicant was arrested on 13/12/2016. The applicant is now in custody for more than 7 years and 2 months. I am informed that only charge has been framed. The trial is likely to take a long time to conclude. No doubt, accusations are serious, however, having regard to the long incarceration of the applicant in the present case, I am inclined to enlarge the applicant by imposing stringent conditions. Learned counsel for the applicant on instructions submitted that the applicant is willing to stay out of the State of Maharashtra considering the large number of criminal cases registered against him. It is submitted that the applicant is willing to stay in Vijapur, State-Karnataka till the trial concludes. Considering the long incarceration, section 21(4) of the MCOC Act will not be a fetter in enlarging the applicant on bail. Hence the following order.

ORDER

- (a) The application is allowed.

- (b) The applicant- Madhukar Dadasaheb Waghmode in connection with C.R. No. 159 of 2016 registered

with Jat police station, District-Sangli shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) Except for attending the trial in this matter and other criminal cases, the applicant shall not enter the State of Maharashtra after being released on bail, till further orders of the trial Court. The applicant shall give appropriate intimation to the investigating officer before entering into Sangli district for attending the criminal cases.

(d) The applicant shall report to the police station which is nearest to the place of his residence while residing at Vijapur once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes commencing from April 2024.

(e) The applicant shall inform the trial Court as well as the investigating officer the contact details as well as residential address while residing at Vijapur and consequent change if any.

(f) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police

Officer. The applicant shall not tamper with evidence.

(g) If the applicant is found violating any of the conditions, it will be open for the prosecution to apply for cancellation of bail.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)